

THE HONORABLE RICARDO S. MARTINEZ
Trial Date: August 16, 2021

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

JOHN M. KIVLIN,

Plaintiff,

v.

CITY OF BELLEVUE, A municipal
corporation, and PATRICK C. ARPIN, and
CARL KLEINKNECHT, JOHN DOES
NOES. 1 to 2 in their individual and official
capacities,

Defendants.

No. 2:20-cv-00790 RSM

STIPULATED MOTION AND
REQUEST FOR ORDER
CONTINUING TRIAL DATE AND
CASE SCHEDULE

[CLERK'S ACTION REQUIRED]

Noted for Hearing: March 22, 2021

STIPULATION

As the parties indicated in the Joint Status Report [Dkt. 7, para. 4(B), 5(F), 9], it is Defendants' position that Plaintiff's claims are barred by application of collateral estoppel and a number of immunities due to a corresponding decision of the Criminal Justice Training Commission (CTJC) revoking Plaintiff's law enforcement certification. However, when the lawsuit was filed, Plaintiff was still pursuing an appeal of that decision. The appeal is now completed and the CJTC decision was affirmed.

Previously, the parties requested a continuance of the deadline to disclose experts as while they engaged in concerted efforts to resolve this matter. Despite good faith efforts toward this end, a resolution has not been reached.

Defendants intend to file a motion for summary judgment soon seeking dismissal of Plaintiff's claims based on collateral estoppel and various immunities and defenses. The

1 motion will be supported by a copy of the extensive record from the CJTC proceedings that
2 both parties already have in their possession. Plaintiff disagrees with Defendants' assessment
3 of the likelihood of success on summary judgment but agrees it would be beneficial for the
4 parties to obtain a ruling prior to engaging in costly discovery and expert fees.

5 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff John Kivlin
6 and Defendants City of Bellevue, et. al. that the parties jointly request a continuance of the
7 August 16, 2021 trial date and issuance of a corresponding amended case schedule, including
8 continuance of the expert disclosure deadline and the deadline to complete discovery, so the
9 parties do not divert attention and resources to those efforts before determining if some or all
10 claims will be dismissed. Counsel for the parties would be available to re-note the trial date
11 beginning January 10, 2022.

12 Dated: March 22, 2021

PATRICIA S. ROSE EMPLOYMENT LAWYER

13
14 /s/Patricia S. Rose

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22 Dated: March 22, 2021

KEATING, BUCKLIN & McCORMACK, INC., P.S.

23 /s/Jayne L. Freeman

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ORDER

PURSUANT TO THE FOREGOING STIPULATION, IT IS ORDERED that the trial date is continued to January 18, 2022 and the clerk is directed to issue a new case schedule accordingly, including continuance of the expert disclosure deadline and the deadline to complete discovery.

DATED this 24th day of March, 2021.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE